

- Group IV: Claim 1-3, 9, and 11-13, drawn to an *Escherichia* bacterium expressing the polypeptide of SEQ ID NO:16 and having an ability to produce an L-amino acid;
- Group V: Claim 14-16, 20, and 24-26, drawn to a method for producing an L-amino acid using a bacterium expressing the polypeptide of SEQ ID NO:10;
- Group VI: Claim 14-20, and 23-26, drawn to a method for producing an L-amino acid using a bacterium expressing the polypeptide of SEQ ID NO:12;
- Group VII: Claim 14, 16, 19, 20, 21, and 24-26, drawn to a method for producing an L-amino acid using a bacterium expressing the polypeptide of SEQ ID NO:14; and
- Group VIII: Claim 14-16, 22, and 24-26, drawn to a method for producing an L-amino acid using a bacterium expressing the polypeptide of SEQ ID NO:16.

Applicants have elected Group I, Claims 1-3, 7, and 11-13 with traverse.

Applicants respectfully traverse on the grounds that the Office has not shown that a burden exists in searching the entire application.

Further, MPEP §803 states as follows:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on its merits, even though it includes claims to distinct or independent inventions.

Applicants submit that a search of all claims would not constitute a serious burden on the Office, particularly in view of the fact that the groups are classified in only two subclasses (Groups I-IV in class 435, subclass 252.33 and Groups V-VIII in class 435, subclass 106).

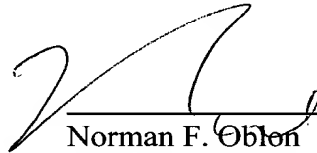
Additionally, MPEP §821.04 states:

...if applicant elects claims directed to the product, and a product claim is subsequently found allowable, withdrawn process claims which depend from or otherwise include all the limitations of the allowable product claim will be rejoined.

Applicants respectfully submit that should the elected group be found allowable, the corresponding non-elected process claims 14-16, 20, and 24-26 (Group V) should be rejoined.

For the reasons set forth above, Applicants contend that the Restriction Requirement is improper and should be withdrawn.

Respectfully submitted,
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